

REMARKS

The above amendments and these remarks are responsive to the Office action dated August 30, 2004. Claims 1-29 are pending in the application. In the Office action, the Examiner rejected claims 1-4, 6, and 8-10 under 35 U.S.C. § 102(b) as being obvious over Smirnov (U.S. Patent Application Publication No. US 2001/0041496 A1). Claims 5, 7, and 11-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants thank the Examiner for the indication that claims 23-29 are allowable. In view of the amendments above, and the remarks below, applicants respectfully request reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

Rejections under 35 USC § 102

Claim 5, which was found to be allowable if rewritten into independent form, is incorporated into claim 1. Accordingly, claim 1 and its dependent claims patentably distinguish the cited art, and applicants respectfully request that the rejection of claims 1-4, 6, and 8-10 under 35 U.S.C. § 102(b) be withdrawn.

Claim 11 was objected to as being dependent upon a rejected base claim; however, claim 11 is an independent claim. Smirnov fails to teach or suggest a breath sensor in combination with a reference sensor. Applicant therefore believes claim 11 and dependent claims 12-22 are also allowable.


New claim 30 recites first and second sensors responsive to environmental factors in first and second locations, respectively. Further, a processor is coupled to the sensors and adapted to compare the environmental factor in the first location to the environmental factor in the second

location. Smirnov does not teach or suggest comparison of environmental factors in different locations to activate an output device when a threshold difference in environmental factors is sensed. Consequently, new claim 30 and its dependent claims 31 and 32 are patentably distinguishable from Smirnov and are therefore allowable.

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

CERTIFICATE OF MAILING

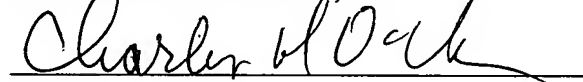
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid; to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450 on November 30, 2004.



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Respectfully submitted,

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